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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/729,022 | 12/08/2003 | Vincent De Laforcade | 233363US26 | 2699 |
| 22850 | 7590 | 07/16/2007 | | |
| OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314 | | | | |
| | | | EXAMINER | |
| | | | GRAHAM, GARY K | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1744 | |
| | | | NOTIFICATION DATE | DELIVERY MODE |
| | | | 07/16/2007 | ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/729,022

Applicant(s)

DE LAFORCADE, VINCENT

Examiner

Gary K. Graham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-18 and 33-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,4,6-18 and 33-50 is/are allowed.
- 6) ☒ Claim(s) 51-53 is/are rejected.
- 7) ☒ Claim(s) 54 and 55 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al (US patent 6,047,435) in view of Brown et al (US patent application publication 2002/0000017).

The patent to Suzuki discloses the invention substantially as is claimed (attention is directed to figures 12 and 28c). Suzuki discloses a device comprised of first and second polygonal shaped sheets (310) connected in a connecting region (L') to form a cavity between the sheets. The cavity is accessible from an exterior of the device through an opening (fig.15). Flexible strips (330) are formed by both the first and second sheet opposite the connecting region from the cavity. Note figure 28c where the cavity is oriented obliquely to the sheets. The cavity is formed as a projection and can accommodate the finger of a user if so desired.

The patent to Suzuki discloses all of the above recited subject matter with the exception of the sheets being impregnated with a hair care product.

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The publication of Brown discloses a cleaning device (2, fig.2) formed by two sheets joined together to define an opening (10) which leads to a plurality of projections within the device for receipt of fingers of a user. Brown discloses that it is possible to provide a separate area for each finger is so desired. Brown also discloses treating the device with an agent such as oil and/or surfactants to enhance cleaning.

It would have been obvious to one of skill in the art to treat the sheets of Suzuki with an oil or surfactant, as clearly suggested by Brown, to enhance cleaning by the device. Such oil and/or surfactant is considered a "hair care" product that can treat hair, at least as far as defined. Note that defining the product that is impregnated into the sheets as a "hair care product" relates to the intended use of the device/product and does not distinguish from those products that are suggested by Brown. The surfactant suggested by Brown could be used to treat the hair if so desired, nothing would prevent such.

Allowable Subject Matter

Claims 1, 2, 4, 6-18, 33-50 are allowed.

Claims 54 and 55 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 20 April 2007 with respect to claims 51 and 53 have been fully considered but they are not persuasive. Applicant argues that Brown is a dusting mitt that is not in any way concerned with the application of any type of hygienic product. It should be noted that applicant does not claim a hygienic product, but rather a hair care product. Further, as set forth above, the oil and/or surfactant suggested by Brown appears to be a "hair care product", at least as far as defined. Note that the use of "hair care product" does not suggest any particular material or solution. What does applicant's "hair care product" have that is not suggested by the oil and/or surfactant of Brown, other than the intended use of the material? Applicant argues that Brown is primarily intended for use on dry, hard surfaces. And that use with any kind of polish or liquid is not recommended as the product may pass through the fabric and come into contact with the user's hand. Applicant references paragraph 31 of Brown. However, it should be noted that the Examiner has not suggested providing polish or liquid on the device of Brown. The examiner has only suggested applying a treatment to the device of Suzuki, as suggested by Brown, and that such treatment would reasonably be a "hair care product", at least as far as claimed. It is not exactly clear how this relates to using or not using a polish or liquid with the device of Brown. Additionally, the end of paragraph 31 of Brown states that an impervious lining could be applied to the mitt to enable use with liquids and polish if so desired. Applicant's argument that the substances of Brown do not suggest a hair car product is not persuasive. Defining the product as a "hair care" product relates to the intended use of the product and does not define any particular product not suggested by Brown, as set forth above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary K. Graham whose telephone number is 571-272-1274. The examiner can normally be reached on Tuesday to Friday (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys J. Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Gary K. Graham', with a long horizontal stroke extending to the left.

Gary K Graham
Primary Examiner
Art Unit 1744

GKG
06 July 2007